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**TRANSBOUNDARY FISHING CONFLICTS IN THE PALK**  
**BAY: A LEGAL STUDY ON THE RIGHTS AND**  
**PROTECTION OF TAMIL NADU FISHERMEN UNDER**  
**INTERNATIONAL LAW AND INDO-SRI LANKAN**  
**AGREEMENTS.**

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**INTRODUCTION:**

The oceans and coastal waters of the world have long served as vital sources of livelihood, cultural identity, and economic sustenance for coastal communities. In South Asia, the narrow stretch of sea known as the Palk Bay, situated between the southeastern coast of India and the northern coast of Sri Lanka, represents one such region where maritime resources have historically supported generations of fishermen. For centuries, fishing communities from the Indian state of Tamil Nadu and the northern provinces of Sri Lanka have shared these waters, relying on their rich marine biodiversity for survival and economic stability. However, in recent decades, the Palk Bay has become the centre of persistent transboundary fishing conflicts, raising significant legal, political, and humanitarian concerns.

The origins of the present dispute can largely be traced to the maritime boundary demarcations established by the Indo-Sri Lankan Maritime Boundary Agreement.

These agreements formally delineated the maritime boundaries between the two nations and resulted in the transfer of the strategically located island of Katchatheevu to Sri Lanka. While the agreements sought to resolve territorial uncertainties and strengthen diplomatic relations, they inadvertently disrupted the traditional fishing practices of Tamil Nadu fishermen who had historically accessed these waters without rigid boundary restrictions. The absence of explicit provisions safeguarding traditional fishing rights created a legal and socio-economic dilemma that continues to affect thousands of fishermen

today.

The issue has further intensified with the enforcement of maritime sovereignty by Sri Lankan authorities, leading to frequent incidents of arrest, detention, and seizure of fishing vessels belonging to Indian fishermen. These developments have generated recurring diplomatic tensions between India and Sri Lanka, highlighting the delicate balance between the sovereign rights of coastal states and the livelihood rights of traditional fishing communities. International maritime law, particularly the United Nations Convention on the Law of the Sea, grants coastal states jurisdiction over their territorial seas and Exclusive Economic Zones. At the same time, the convention encourages peaceful cooperation, sustainable use of marine resources, and equitable solutions to maritime disputes. Beyond legal complexities, the conflict is also shaped by environmental and economic factors. The increasing use of mechanised trawlers by Tamil Nadu fishermen has raised concerns about ecological damage and depletion of marine resources in the Palk Bay. These environmental pressures have intensified resistance from the Sri Lankan fishermen, further complicating the already sensitive maritime dispute. Consequently, the Palk Bay conflict cannot be understood solely as a question of territorial jurisdiction; rather, it represents a multidimensional issue involving international law, environmental sustainability, economic dependency, and regional diplomacy.

In this context, a comprehensive legal analysis becomes essential to understand the interplay between international maritime law, bilateral agreements, and the protection of fishermen's rights. This study, therefore, seeks to examine the transboundary fishing conflicts in the Palk Bay region with particular emphasis on the legal rights and protections available to Tamil Nadu fishermen. By analysing the relevant international legal framework, Indo-Sri Lankan agreements, and the socio-economic realities of fishing communities, the research aims to identify the gaps in the existing legal mechanisms and explore potential solutions for a more equitable and sustainable resolution of the conflict.

### **OBJECTIVE OF THE STUDY:**

The objective of this study is to analyse transboundary fishing conflicts in the Palk Bay and examine the legal rights and protections available to fishermen from Tamil Nadu under international maritime law and bilateral agreements between India and Sri Lanka. The study focuses on the impact of the Indo-Sri Lankan Maritime Boundary Agreement and the United Nations Convention on the Law of the Sea, the role of the United Nations Convention on the

Law of the Sea, and the challenges faced by fishermen, such as arrests, vessel seizures, and livelihood issues. It also aims to explore legal and policy measures for a peaceful and sustainable resolution of the conflict.

### **RESEARCH HYPOTHESIS:**

The study hypothesises that the existing India–Sri Lanka maritime framework in the Palk Bay is inadequate to protect the traditional fishing rights and livelihoods of Tamil Nadu fishermen, as it prioritises territorial sovereignty over customary practices. It highlights legal gaps, weak humanitarian safeguards, and environmental issues like mechanised trawling as key contributors to ongoing conflicts. Overall, it argues that legal reform, better cooperation, and sustainable fisheries management are essential for a lasting solution.

### **SCOPE AND LIMITATION OF THE STUDY:**

This study seeks to critically examine the transboundary fishing conflicts in the Palk Bay, with particular emphasis on the legal rights and protection of fishermen from Tamil Nadu. It analyses the legal framework governing the dispute, including the Indo-Sri Lankan Maritime Boundary Agreement and the principles of international maritime law under the United Nations Convention on the Law of the Sea. The study aims to understand how these legal instruments affect the rights, livelihoods, and security of fishermen, while also evaluating the broader diplomatic and policy challenges involved in resolving the dispute.

However, the scope of the research is primarily doctrinal legal analysis, drawing on secondary sources such as academic literature, legal documents, government reports, and scholarly articles. The study does not involve empirical fieldwork, interviews, or primary data collection from fishing communities. Additionally, while environmental and economic aspects of the conflict are briefly acknowledged, the primary focus remains on the legal and policy dimensions of the issue.

### **RESEARCH METHODOLOGY:**

This study adopts a doctrinal and analytical research methodology to examine the transboundary fishing conflicts in the Palk Bay and to analyse the legal protection available to fishermen from Tamil Nadu. The research is primarily based on secondary sources of data, including academic books, research articles, government reports, policy documents, and international legal instruments related to maritime law and

fisheries governance. Particular emphasis is placed on analysing the legal provisions of the Indo-Sri Lankan Maritime Boundary Agreement and the principles laid down under the United Nations Convention on the Law of the Sea. Through a systematic examination of these legal frameworks and scholarly discussions, the study evaluates the challenges faced by fishermen and the effectiveness of existing legal and diplomatic mechanisms in addressing the conflict. The research also employs a descriptive and critical approach to identify legal gaps and suggest measures to better protect fishermen's rights and sustainably manage marine resources in the Palk Bay region.

**CHAPTERIZATION:**

**Chapter 1:** Introduction

**Chapter 2:** Geographical and historical background of the Palk Bay.

**Chapter 3:** Indo-Sri Lankan Maritime boundary agreements. **Chapter 4:** International maritime laws and fishermen's rights. **Chapter 5:** Issues faced by Tamil Nadu fishermen.

**Chapter 6:** Diplomatic and legal mechanisms for resolution.

**Chapter 7:** Findings, Suggestions and Policy Recommendations.

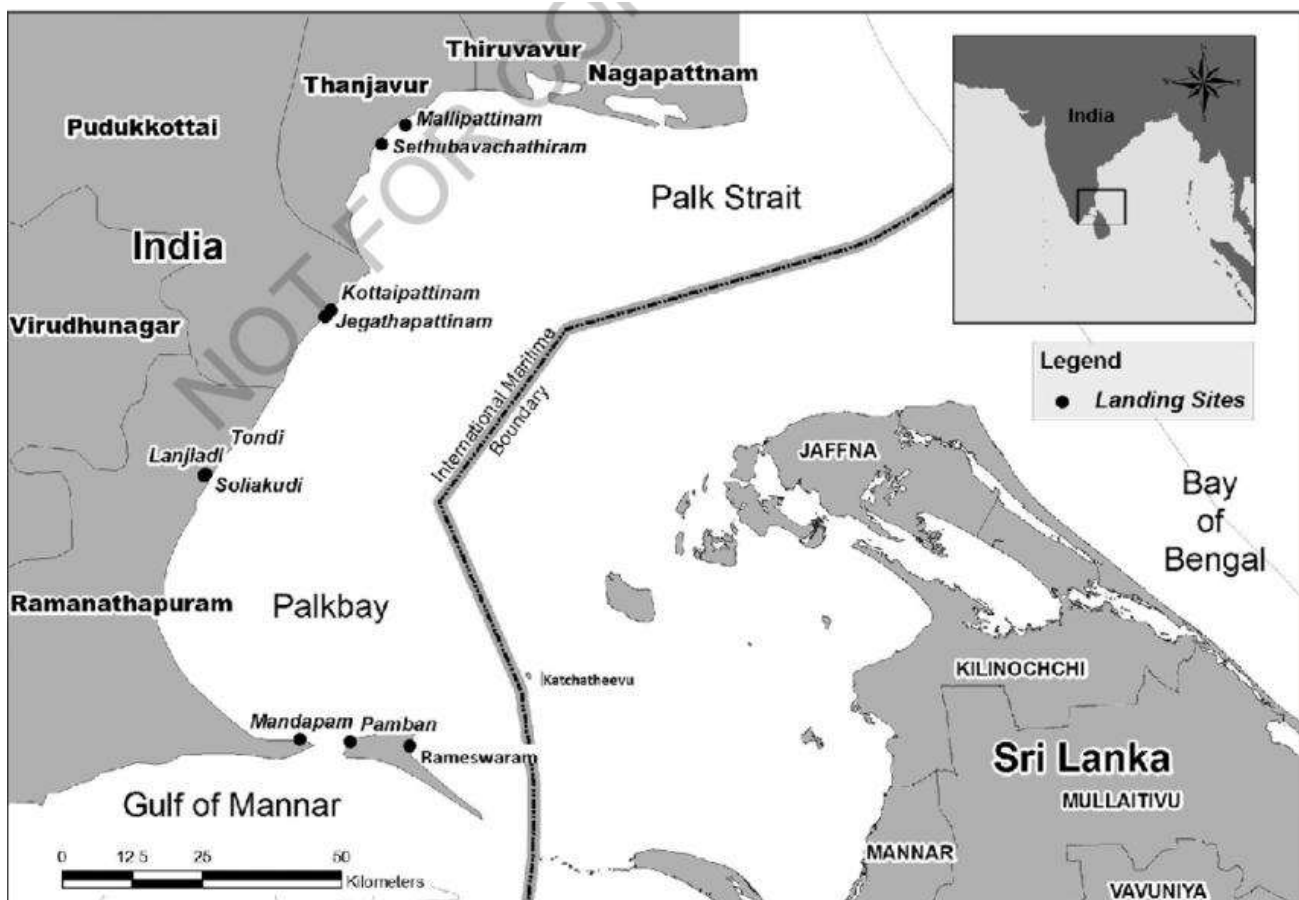


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## CHAPTER-2

### 2.1 Geographical and Strategic Importance of Palk Bay.

The Palk Bay is a shallow maritime region located between the southeastern coastline of India and the northern coastline of Sri Lanka. This narrow body of water forms an integral part of the northern Indian Ocean and serves as a natural link between the Bay of Bengal and the Gulf of Mannar. The region is characterised by its shallow depth, abundant marine biodiversity, and productive fishing grounds, making it one of the most important fishing zones in South Asia. The geographical proximity between the coasts of India and Sri Lanka—at certain points less than 40 kilometres apart—has historically allowed fishermen from both sides to operate within the same marine ecosystem. Consequently, the Palk Bay holds significant economic, ecological, and strategic importance, as it supports the livelihoods of thousands of coastal communities while also representing a sensitive geopolitical maritime boundary between two neighbouring nations.



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## 2.2 Traditional Fishing Practices in the Region.

For centuries, fishing communities inhabiting the coastal districts of Tamil Nadu and northern Sri Lanka have practised traditional and small-scale fishing methods in the waters of the Palk Bay. These practices were largely sustainable and relied on indigenous knowledge passed down through generations. Fishermen traditionally used small wooden boats, catamarans, and simple fishing nets designed to capture specific varieties of fish without significantly damaging marine habitats. The absence of rigid maritime boundaries in earlier periods allowed fishermen to navigate freely and exploit the bay's shared resources. This traditional fishing system was deeply embedded in the socio-cultural fabric of coastal communities, promoting cooperation and mutual dependence rather than competition. However, the introduction of mechanised fishing vessels and modern trawling methods in later decades gradually altered this balance, leading to intensified exploitation of marine resources and growing tensions among fishing communities.

## 2.3 Historical Relationship between Indian and Sri Lankan Fishermen.

Historically, the fishing communities of southern India and northern Sri Lanka maintained a relationship characterised by cooperation, cultural affinity, and economic interdependence. Before the establishment of formal maritime boundaries, fishermen from both regions freely navigated the waters of the Palk Bay, often sharing fishing grounds and interacting through trade and social exchange. The close geographical proximity between the coastal regions of Tamil Nadu and Sri Lanka facilitated regular interactions among fishermen, fostering a sense of shared maritime heritage. Religious pilgrimages and cultural ties, particularly those associated with the island of Katchatheevu, further strengthened these connections. For many generations, the sea was perceived not as a political boundary but as a shared resource essential for survival. However, the introduction of formal maritime demarcations and the increasing commercialisation of fisheries gradually transformed this cooperative relationship into one marked by competition and conflict.

## 2.4 Historical ownership of Katchatheevu and the Sethupathi Rulers.

The island of Katchatheevu, located in the narrow waters of Palk Bay, has historically been associated with the rule of the Sethupathi kings of Ramanathapuram. The Sethupathi rulers, who governed the coastal regions of present-day Tamil Nadu, exercised control over maritime territories and coastal islands, including Katchatheevu. Historical records and administrative documents from the pre-colonial and early colonial periods suggest that the Sethupathi kings

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maintained authority over the island, which local fishermen primarily used for drying nets, resting, and conducting religious activities such as the annual St. Anthony's festival. Church festival. The island did not have permanent habitation but served as a traditional fishing and cultural hub for communities from the Indian coast.

During the colonial period, the issue of sovereignty over Katchatheevu became more complex due to administrative ambiguities between British-controlled territories in **India** and **Sri Lanka** (then Ceylon). While the British administered both regions, internal boundary demarcations were not clearly defined, leading to overlapping claims. After independence, this ambiguity persisted and eventually led to diplomatic negotiations between the two nations. In 1974, the Government of India entered into the **Indo-Sri Lankan Maritime Boundary Agreement**, under which sovereignty over Katchatheevu was formally recognised as belonging to Sri Lanka. Although the agreement allowed Indian fishermen access to the island for pilgrimage and limited traditional purposes, it did not grant fishing rights in the surrounding waters.

The transfer of Katchatheevu to Sri Lanka has since been a subject of legal, political, and constitutional debate in India, particularly in **Tamil Nadu**, where it is argued that the island historically belonged to the Sethupathi rulers and, by extension, formed part of Indian territory. Critics contend that the transfer was executed without adequate parliamentary approval and without fully considering the livelihood impact on Indian fishermen. This historical background continues to influence contemporary debates on fishing rights, maritime sovereignty, and the protection of traditional fishing communities in the Palk Bay region.

#### 2.5 The Katchatheevu Island and its significance.

The small, uninhabited island of Katchatheevu occupies a prominent position in the political and legal discourse surrounding the Palk Bay dispute. Located within the Palk Strait, the island historically served as a resting point for fishermen from both India and Sri Lanka, who used it to dry their fishing nets and seek temporary shelter during fishing expeditions. In addition to its economic importance, Katchatheevu also holds religious and cultural significance, as the annual St. Anthony's Church festival traditionally attracts pilgrims and fishermen from both countries. The island became a matter of diplomatic contention when it was formally recognised as part of Sri Lankan territory under the Indo-Sri Lankan Maritime Boundary Agreement. Although Indian fishermen retained limited rights for pilgrimage and drying nets, the agreement did not explicitly

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grant fishing rights in the surrounding waters. This omission has remained a central source of grievance among fishermen in Tamil Nadu and continues to influence the contemporary debate over fishing rights in the region.



## 2.6 Colonial Period Maritime Boundaries.

During the colonial era, maritime boundaries in the Palk Bay region were not rigidly defined, as both India and Sri Lanka were under the administrative control of the British Empire. The absence of clearly demarcated maritime limits meant that fishermen from both territories enjoyed relatively unrestricted access to the fishing grounds of the Palk Bay. Colonial administrations were primarily concerned with trade, navigation, and administrative control rather than regulating traditional fishing practices. As a result, fishing activities continued to operate under customary norms and local practices rather than formal legal frameworks. This historical absence of clearly defined maritime boundaries played a significant role in shaping fishermen's expectations, who continued to view the waters of the Palk Bay as a shared resource even after the emergence of independent nation-states in the region.

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## 2.7 Post-Independence Developments.

Following the independence of India in 1947 and Sri Lanka in 1948, both nations gradually asserted their sovereign rights over surrounding maritime territories. The need to clearly define maritime boundaries became increasingly important due to concerns relating to national security, resource management, and international maritime law. These considerations eventually led to the signing of the Indo-Sri Lankan Maritime Boundary Agreement, which formally demarcated the maritime boundaries between the two countries. While these agreements were intended to eliminate territorial ambiguity and promote diplomatic stability, they also introduced new restrictions on traditional fishing practices. Fishermen who had previously operated freely across the Palk Bay suddenly found themselves constrained by international maritime boundaries, thereby creating new socio-economic challenges for coastal communities.

## 2.8 Emergence of Fishing Conflicts.

The emergence of fishing conflicts in the Palk Bay can be attributed to a combination of legal, economic, and environmental factors. The demarcation of maritime boundaries restricted the movement of fishermen and placed traditional fishing grounds within the territorial jurisdiction of different states. At the same time, the introduction of mechanised trawlers and advanced fishing technologies significantly increased the scale of fishing operations, resulting in the overexploitation of marine resources. These developments intensified competition between Indian and Sri Lankan fishermen, particularly in the waters surrounding Katchatheevu. In recent decades, incidents involving the arrest and detention of Indian fishermen by Sri Lankan authorities, as well as the seizure of fishing vessels, have become frequent. Consequently, what began as a traditional livelihood activity has evolved into a complex transboundary dispute involving international law, diplomatic negotiations, environmental sustainability, and the protection of fishermen's rights.

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## **CHAPTER – 3**

### 3.1 Overview of Maritime Boundary Agreements.

Maritime boundary agreements are fundamental instruments in international law that determine the extent of a coastal state's jurisdiction over adjacent marine areas and natural resources. In India and Sri Lanka, the need to clearly define maritime boundaries arose soon after independence, as both nations sought to regulate navigation, fishing, and resource management in the waters of the Palk Bay, the Palk Strait, and the surrounding maritime zones. Historically, the fishermen of both countries operated freely across these waters without strict political restrictions, as the sea was traditionally regarded as a shared economic space rather than a territorial boundary. However, the emergence of modern concepts of territorial sovereignty, maritime security, and control over economic resources necessitated the establishment of legally defined maritime limits. Consequently, the governments of India and Sri Lanka entered into bilateral negotiations during the early 1970s, culminating in maritime boundary agreements that clarified jurisdictional authority and reduced the possibility of territorial disputes. These agreements reflect the broader principles of international maritime governance, emphasising peaceful dispute resolution, diplomatic negotiation, and the orderly management of shared maritime resources.

### 3.2 The 1974 Indo – Sri Lankan Agreements (Katchatheevu Issue).

The Indo-Sri Lankan Maritime Boundary Agreement marked a significant turning point in the maritime relations between India and Sri Lanka, particularly concerning the status of Katchatheevu. Through this agreement, India acknowledged Sri Lanka's sovereignty over the island, thereby settling a longstanding territorial dispute. Despite the transfer of ownership, the treaty allowed Indian fishermen and pilgrims to access the island for limited purposes such as drying fishing nets and attending the annual religious festival at St. Anthony's Church. However, the agreement did not explicitly recognise the traditional fishing rights of Indian fishermen in the surrounding waters. This omission has generated persistent controversy, especially among fishing communities in Tamil Nadu, who argue that their historical access to these fishing grounds was inadequately protected under the terms of the agreement.

#### **MAIN PROVISIONS:**

**Article 4** affirmed each state's sovereignty and jurisdiction over waters, islands, and the

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continental shelf on its side of the line.

**Article 5** permitted Indian fishermen and pilgrims to access **Katchatheevu** for rest, drying nets, and attending religious festivals without requiring passports or visas

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### 3.3 The 1976 Maritime Boundary Agreement.

The maritime boundary framework between India and Sri Lanka was further strengthened through the Indo-Sri Lankan Maritime Boundary Agreement, which extended the delimitation of maritime boundaries beyond the Palk Strait to the Gulf of Mannar and parts of the Bay of Bengal. The agreement clearly established the jurisdictional limits within which each country could exercise sovereign rights over marine resources and fishing activities. Importantly, the treaty introduced a provision prohibiting fishermen from either country from fishing in the other's territorial waters. While this measure was intended to reduce conflicts and promote respect for maritime sovereignty, it significantly restricted the traditional mobility of fishermen who had historically operated across the region without regard to political boundaries.

Although the agreements primarily focused on boundary delimitation, they also implicitly emphasised the need for bilateral cooperation in maritime governance. By establishing clear boundaries and jurisdictional authority, the treaties laid the foundation for future diplomatic engagement on fisheries management, environmental protection, and maritime security. The agreements, therefore, represent an important example of peaceful dispute resolution through diplomatic negotiation.

### 3.3 Legal Implications of the Agreement.

The maritime boundary agreements concluded between India and Sri Lanka carry significant legal implications within the broader framework of international law. As binding bilateral treaties, they represent a formal recognition of territorial sovereignty and establish clear jurisdictional authority over maritime zones, including territorial waters, fishing grounds, and marine resources. These agreements also demonstrate the role of diplomatic negotiation in resolving international territorial disputes peacefully, thereby reinforcing the principles of cooperation and mutual respect between neighbouring states. However, the agreements also reveal certain limitations in addressing the complex relationship between state sovereignty and customary livelihood rights. By prioritising territorial jurisdiction, the treaties did not adequately consider the traditional fishing practices that had long existed in the region. This legal gap has contributed to recurring conflicts involving fishermen who inadvertently cross

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maritime boundaries while pursuing their livelihood. Consequently, the agreements highlight the need for supplementary legal arrangements, such as cooperative fishing frameworks or joint resource management mechanisms, to reconcile national sovereignty with the protection of traditional economic activities.

#### 3.4 Impact on Traditional Fishing Rights.

The demarcation of maritime boundaries through the 1974 and 1976 agreements significantly altered the traditional fishing practices of coastal communities in the Palk Bay region. Before the establishment of these legal boundaries, fishermen from Tamil Nadu and northern Sri Lanka routinely operated across the waters of the Palk Bay, relying on shared fishing grounds that had been used for generations. The introduction of strict maritime limits effectively restricted this traditional mobility, forcing fishermen to operate within narrowly defined territorial waters. As a result, many fishermen face the risk of arrest, detention, or confiscation of their vessels when they inadvertently cross into Sri Lankan waters. These incidents have not only caused economic hardship for fishing communities but have also intensified diplomatic tensions between the two countries. The issue highlights the broader challenge of balancing modern legal frameworks with the preservation of traditional livelihood practices that predate national boundaries.

#### 3.5 Political and Legal Debates on Katchatheevu.

The decision to acknowledge Sri Lankan sovereignty over Katchatheevu through the Indo-Sri Lankan Maritime Boundary Agreement has remained one of the most debated maritime and constitutional issues in India. The controversy has been particularly intense in Tamil Nadu, where political parties, fishermen's associations, and regional organisations have consistently questioned the agreement's legitimacy and implications. Critics argue that the transfer of Katchatheevu to Sri Lanka adversely affected the livelihoods of Indian fishermen, who had historically relied on the surrounding waters of the Palk Strait for fishing. According to these groups, the island served not only as a resting point but also as an important base for fishing operations, and its transfer has significantly restricted access to traditional fishing grounds. From a political perspective, the issue has been raised repeatedly in both state and national political discourse. Leaders from Tamil Nadu have argued that the agreement was concluded without adequately considering the economic interests and welfare of local fishing communities. Various political parties have demanded either the retrieval of the island or the renegotiation of fishing rights to protect Indian fishermen operating in the region. The debate

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has periodically resurfaced during elections, reflecting the strong emotional and economic connection between the fishing communities and the island.

In addition to political opposition, the Katchatheevu issue has also generated significant legal debate within India. Some legal scholars and constitutional experts contend that the transfer of the island effectively amounted to the cession of Indian territory and therefore required a constitutional amendment under the principles laid down by the Berubari Union Case. According to this legal reasoning, the government cannot transfer territory to another country without parliamentary approval through a constitutional amendment. Critics of the 1974 agreement argue that this constitutional procedure was not followed, thereby raising questions about the legal validity of the decision.

### 3.6 Judicial and Constitutional Issues in India.

The transfer of Katchatheevu to Sri Lanka through the Indo-Sri Lankan Maritime Boundary Agreement has generated significant judicial and constitutional debate within India. The controversy largely revolves around the constitutional validity of ceding territory to a foreign nation and whether the Indian government followed the required constitutional procedures while agreeing. Under the Indian constitutional framework, the executive branch possesses the authority to enter into international treaties and agreements with other states. However, when such agreements involve the transfer or alteration of Indian territory, constitutional principles require greater legal scrutiny and parliamentary approval.

A central reference point in this debate is the landmark advisory opinion delivered in the **Berubari Union Case**. In this case, the Supreme Court of India held that the cession of Indian territory to another country cannot be carried out solely through an executive agreement or treaty. Instead, such a transfer must be accompanied by a constitutional amendment under Article 368 of the Constitution of India. This principle was established in the context of the Indo-Pakistan agreement relating to the Berubari Union territory. Following the court's advisory opinion, the Indian Parliament enacted the Ninth Constitutional Amendment in 1960 to legally transfer the disputed territory to Pakistan. The Berubari judgment, therefore, established an important constitutional precedent regarding the legal procedure for territorial cession.

Critics of the Katchatheevu agreement argue that the same constitutional principle should have been applied in the case of the island. According to this argument, the recognition of Sri Lankan sovereignty over Katchatheevu effectively amounted to the transfer of Indian territory and

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therefore required a constitutional amendment approved by Parliament. However, no such amendment was enacted when the 1974 agreement was signed. Instead, the Indian government maintained that Katchatheevu had historically belonged to Sri Lanka and that the agreement merely clarified an already existing maritime boundary rather than transferring Indian territory. This difference in interpretation forms the core of the constitutional dispute.

The issue has been raised in several legal petitions filed before the Supreme Court of India by political leaders, activists, and organisations representing fishermen from Tamil Nadu. These petitions challenge the validity of the 1974 and subsequent maritime agreements on constitutional grounds. Petitioners argue that the agreements violated the rights of Indian fishermen and were concluded without adequate parliamentary consultation or constitutional authorisation. Some petitions have also sought directions from the court to declare the agreements unconstitutional or to initiate steps for the retrieval of Katchatheevu.

At the same time, the central government has defended the agreements by emphasising the importance of diplomatic negotiations in resolving international boundary disputes. The government has maintained that the agreements were concluded in accordance with international law and were necessary to ensure peaceful relations with Sri Lanka. From this perspective, the treaties represent a legitimate exercise of executive power in the conduct of foreign policy.

The judicial and constitutional debate surrounding Katchatheevu, therefore, illustrates the complex relationship between domestic constitutional law and international treaty obligations. It highlights the challenges faced by courts and governments in balancing national sovereignty, constitutional procedures, diplomatic commitments, and the economic interests of citizens. For legal scholars, the issue serves as an important example of how territorial agreements can raise significant constitutional questions while also influencing international relations and the protection of traditional livelihood rights.

The judgment in **Maganbhai Ishwarbhai Patel v. Union of India (1969)** represents a significant constitutional interpretation regarding the relationship between international agreements and domestic law in India. In this case, the Supreme Court examined whether the implementation of an international agreement—specifically relating to boundary adjustments between India and Pakistan—required a constitutional amendment under Article 368. The Court held that not all international agreements necessitate a constitutional amendment, particularly when such agreements do not result in the cession or transfer of Indian territory

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but merely involve the demarcation or clarification of existing boundaries. The ruling emphasised that the executive has the authority to enter into treaties and agreements with foreign states, and such agreements can be implemented without legislative intervention unless they affect the territorial integrity or require changes in domestic law.

This judgment has been widely invoked in the context of the maritime agreements between India and Sri Lanka, particularly concerning the transfer of Katchatheevu under the 1974 agreement. The Government of India has relied on this precedent to argue that the agreement constituted a boundary settlement rather than a cession of territory, and therefore did not require a constitutional amendment. However, this interpretation remains contested, as critics argue that Katchatheevu was historically under Indian control and its transfer effectively amounted to cession, thereby attracting the constitutional principles laid down in the Berubari case. Thus, the Maganbhai case plays a pivotal role in shaping the legal debate surrounding the validity of the Katchatheevu agreement.

From a broader legal perspective, the case highlights the tension between executive power in foreign affairs and constitutional safeguards over territorial sovereignty. It underscores the need for clarity in distinguishing between boundary delimitation and territorial transfer, especially in sensitive geopolitical contexts such as the Palk Bay dispute. The principles laid down in this case continue to influence judicial reasoning and policy discussions on international agreements, making it highly relevant to the study of fishermen's rights, maritime boundaries, and constitutional law in India.

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## **CHAPTER – 4**

### 4.1 International Maritime Law and Fishermen's Rights.

International Maritime Law represents a comprehensive legal framework that regulates the use, governance, and protection of the world's oceans. It establishes rules concerning maritime boundaries, navigation rights, marine resource exploitation, and environmental protection. Historically, the oceans were considered *mare liberum* or free seas accessible to all nations without restriction. However, with the emergence of modern states and the growing importance of marine resources, it became necessary to develop a structured legal system governing maritime spaces. International Maritime Law, therefore, evolved to balance the competing interests of coastal states, maritime nations, and the global commons. In contemporary times, the regulation of maritime activities has become particularly significant in regions such as the Palk Bay, where the livelihoods of coastal communities intersect with questions of sovereignty, security, and resource management. The development of international legal norms has thus played an essential role in ensuring that oceans are utilised in a peaceful, sustainable, and cooperative manner.

The **Fisheries Case (United Kingdom v. Norway)** (1951) is a landmark judgment delivered by the International Court of Justice (ICJ) that significantly shaped the principles of maritime boundary delimitation under international law. The dispute arose when the United Kingdom challenged the method used by Norway to draw its coastal baselines for determining territorial waters. Norway had adopted a system of straight baselines connecting outermost points along its deeply indented coastline, which effectively extended its control over certain fishing areas. The United Kingdom argued that this method was inconsistent with international law and restricted access for British fishermen who had traditionally fished in those waters.

The ICJ, however, upheld Norway's method, recognising that geographical realities and long-standing state practice play a crucial role in determining maritime boundaries. Importantly, the Court acknowledged that Norway's system was justified due to its unique coastal configuration and its historic usage of those waters by local communities. The judgment emphasised that international law must take into account customary practices, economic dependence, and the traditional rights of coastal populations, especially where such practices have been exercised consistently over time without objection from other states. This recognition of "historic rights" and "traditional fishing practices" became a key principle in the development of modern maritime law.

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#### 4.2 The United Nations Conventions on the Law of the Sea (UNCLOS).

One of the most significant developments in the evolution of international maritime law is the adoption of the United Nations Convention on the Law of the Sea, often referred to as the “Constitution of the Oceans.” Adopted in 1982 after decades of negotiations under the United Nations, UNCLOS provides a comprehensive legal framework governing all aspects of maritime activity, which contains 320 Articles and 9 annexes. As of the year 2024, over 160 countries are part of the UNCLOS. The convention defines the rights and responsibilities of states in relation to territorial waters, navigation, marine environmental protection, and resource management. One of its most significant contributions is the classification of different maritime zones, including territorial seas, contiguous zones, exclusive economic zones, and the high seas. By clearly defining these zones and the rights associated with them, UNCLOS has helped reduce conflicts between coastal states and promote the equitable utilisation of marine resources. The convention also establishes mechanisms for dispute resolution and emphasises the importance of cooperation among nations in protecting the marine environment and conserving living resources.

#### 4.3 Territorial Sea and Exclusive Economic Zone (EEZ).

A fundamental concept within international maritime law is the distinction between different maritime zones, particularly the territorial sea and the Exclusive Economic Zone (EEZ). Under the provisions of the United Nations Convention on the Law of the Sea, a coastal state is entitled to claim a territorial sea extending up to 12 nautical miles from its baseline. Within this zone, the state exercises full sovereignty similar to its authority over land territory, subject only to the right of innocent passage by foreign vessels. Beyond the territorial sea lies the Exclusive Economic Zone, which can extend up to 200 nautical miles from the coastline. Within the EEZ, the coastal state does not possess complete sovereignty but retains exclusive rights to explore, exploit, conserve, and manage natural resources, including fish stocks and mineral resources.

These maritime zones play a crucial role in regulating fishing activities and preventing disputes over marine resources, especially in regions where coastal states share narrow maritime

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boundaries.

The treaty defines key zones:

- **Territorial sea:** up to 12 nautical miles under national sovereignty, with a right of innocent passage for foreign vessels.
- **Exclusive Economic Zone (EEZ):** up to 200 nautical miles, granting states rights over natural resources.
- **Continental shelf:** extends to the natural prolongation of land territory, subject to submission to the Commission on the Limits of the Continental Shelf.

It also guarantees transit passage through international straits and establishes special regimes for archipelagic states

#### 4.4 Rights and Duties of the Coastal States.

International maritime law grants coastal states a variety of rights over the waters adjacent to their territories while simultaneously imposing certain responsibilities to ensure sustainable management of marine resources. Coastal states possess sovereign rights to regulate fishing activities, conduct scientific research, and exploit natural resources within their territorial waters and Exclusive Economic Zones. At the same time, these rights are accompanied by obligations to protect the marine environment, prevent overfishing, and ensure that marine ecosystems are preserved for future

generations. The legal framework established under the United Nations Convention on the Law of the Sea emphasises the principle of responsible stewardship, requiring states to adopt policies that balance economic development with environmental sustainability. Additionally, coastal states must cooperate with neighbouring countries when marine resources are shared across maritime boundaries, thereby promoting regional stability and preventing conflicts over fisheries and maritime jurisdiction.

#### 4.5 Protection of Traditional Fishing Communities.

One of the emerging concerns in international maritime governance is the protection of

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traditional fishing communities whose livelihoods depend heavily on marine resources. Small-scale fishermen often operate in coastal regions where maritime boundaries are narrow or contested, making them particularly vulnerable to legal restrictions and enforcement actions. In regions such as the Palk Bay, traditional fishing practices have long existed and form an integral part of the socio-economic structure of coastal communities. International legal discourse increasingly recognises the need to safeguard these communities by promoting equitable access to marine resources and encouraging cooperative fisheries management. Governments are encouraged to adopt policies that support sustainable fishing practices, provide alternative livelihoods where necessary, and ensure that maritime regulations do not disproportionately harm vulnerable fishing populations. Protecting traditional fishing communities is therefore not only a matter of economic welfare but also a crucial element of social justice and cultural preservation.

#### 4.6 International Legal Principles on Maritime Disputes

Maritime disputes between states often arise from overlapping territorial claims, competition over marine resources, and strategic considerations. International law provides several principles and mechanisms to address such disputes in a peaceful and orderly manner. These principles include negotiation, mediation, arbitration, and judicial settlement through international courts and tribunals. The United Nations Convention on the Law of the Sea provides a structured dispute resolution framework that allows states to bring maritime conflicts before institutions such as the International Tribunal for the Law of the Sea.

The primary objective of these mechanisms is to ensure that disputes are resolved through legal processes rather than confrontation or unilateral action. By encouraging cooperation and adherence to legal norms, international maritime law seeks to maintain stability in global maritime relations and promote the peaceful utilisation of ocean resources.

The International Tribunal for the Law of the Sea is an independent international judicial body established under the United Nations Convention on the Law of the Sea to resolve disputes related to the interpretation and application of international maritime law. It was established in 1996 and is headquartered in Hamburg. The tribunal consists of 21 judges

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elected by member states for nine-year terms, representing different legal systems and geographical regions of the world. ITLOS has jurisdiction over a wide range of maritime disputes, including issues related to maritime boundary delimitation, fisheries, marine environmental protection, navigation rights, and the detention of vessels. It functions as an important mechanism for peaceful dispute resolution, allowing states to settle conflicts through legal processes rather than political confrontation. Through its judgments and advisory opinions, the tribunal contributes to the development and consistent interpretation of international maritime law, thereby strengthening the rule of law in global ocean governance.

#### 4.7 Role of International Organisations in Fisheries Management.

International organisations play a vital role in regulating fisheries, promoting sustainable resource management, and facilitating cooperation among coastal states. Global institutions such as the Food and Agriculture Organisation work to develop guidelines for responsible fisheries and assist countries in implementing sustainable fishing practices. These organisations conduct scientific research, provide technical assistance, and encourage the adoption of international standards to prevent overfishing and protect marine biodiversity. In addition, international organisations often serve as platforms for dialogue and cooperation among nations sharing marine resources. By promoting collaborative approaches to fisheries management, these institutions contribute to the long-term sustainability of marine ecosystems while supporting the economic well-being of coastal communities. Their role is particularly important in regions where maritime boundaries intersect with traditional fishing practices and international legal obligations.

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## **CHAPTER - 5**

### 5.1 Arrest and Detention of Fishermen.

One of the most pressing consequences of the maritime boundary dispute in the Palk Bay is the frequent arrest and detention of fishermen. Fishermen from Tamil Nadu often cross into waters controlled by Sri Lanka, either intentionally due to the depletion of fish stocks or unintentionally because of the narrow geographical distance between the coastlines. Sri Lankan naval authorities enforce maritime regulations by apprehending fishermen who are found fishing within their territorial waters. These arrests have become a recurring diplomatic issue between India and Sri Lanka. While governments periodically negotiate the release of detained fishermen, the repeated arrests highlight the absence of a permanent legal mechanism for protecting the livelihoods of traditional fishing communities operating in shared maritime ecosystems.

### 5.2 Seizure of Fishing Boats and Equipment.

Beyond the arrest of fishermen, the confiscation of fishing vessels and equipment has emerged as one of the most severe consequences of the maritime dispute in the Palk Bay. When fishermen from Tamil Nadu are apprehended for allegedly entering the territorial waters of Sri Lanka, their mechanised trawlers, nets, GPS devices, engines, and other essential fishing gear are often seized by Sri Lankan naval authorities. For coastal fishing communities whose livelihood is entirely dependent on the operation of these vessels, the loss of such equipment represents not merely a temporary inconvenience but a devastating economic blow. In many cases, fishing boats are purchased through bank loans, cooperative credit societies, or private financiers, placing fishermen under long-term financial obligations. When a boat is seized and not returned promptly, fishermen continue to bear the burden of loan repayments without having the means to generate income, thereby pushing many families into cycles of debt and financial vulnerability.

The legal and humanitarian implications of these seizures have attracted significant attention from policymakers, scholars, and human rights advocates. Critics argue that while states possess the sovereign right to enforce their maritime boundaries under international law,

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enforcement actions should remain proportionate and sensitive to the socio-economic realities of traditional fishing communities. Prolonged retention or destruction of fishing vessels has been widely criticised as an excessively harsh measure that disproportionately affects economically marginalised populations.

Furthermore, the confiscation of boats disrupts the broader fishing economy of coastal regions by reducing the operational capacity of fishing fleets, affecting fish supply chains, and undermining the economic stability of entire fishing villages.

Another important dimension of this issue relates to the legal ambiguity surrounding the disposal of seized vessels. In several instances, confiscated boats have reportedly remained abandoned in Sri Lankan ports for extended periods or have been auctioned or destroyed by authorities after legal proceedings. Such actions not only intensify diplomatic tensions between India and Sri Lanka but also raise questions regarding due process, property rights, and fair treatment under international legal norms. The absence of a clear bilateral mechanism for the prompt return of fishing vessels has therefore become a major concern for fishermen's associations and policy experts.

From a broader policy perspective, the seizure of boats highlights the urgent need for cooperative fisheries management and confidence-building measures between the two nations. Experts have suggested the establishment of joint maritime monitoring systems, regulated fishing zones, and structured dialogue between fishermen's associations from both countries to prevent recurring confrontations at sea. Without such institutional mechanisms, the continued confiscation of vessels risks deepening economic insecurity among fishing communities while perpetuating a cycle of conflict in the fragile maritime ecosystem of the Palk Bay region.

### 5.3 Economic and Livelihood Challenges.

The fishing communities living along the coastal districts of Tamil Nadu and the northern shores of Sri Lanka face profound economic and livelihood difficulties as a consequence of the maritime boundary regulations in the Palk Bay. For generations, fishermen from both sides of the sea freely accessed these waters without strict political boundaries, relying on the region's abundant marine resources for their survival. However, after the maritime boundary agreements between India and Sri Lanka in the 1970s, many traditional fishing grounds became legally restricted zones.

This transformation drastically altered the economic structure of coastal fishing communities,

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forcing fishermen to operate within limited fishing areas that are often already overexploited. One of the most serious real-life challenges faced by fishermen in Tamil Nadu is the depletion of fish stocks in their own territorial waters. Due to intensive mechanised fishing practices and environmental degradation, marine resources in Indian coastal waters have significantly declined over the past few decades. As a result, fishermen frequently venture into the deeper and resource-rich waters closer to Sri Lanka, despite knowing the legal risks involved. This creates a persistent dilemma where fishermen must choose between obeying maritime boundaries or ensuring the economic survival of their families. Many fishermen openly acknowledge that crossing into Sri Lankan waters is often the only way to obtain a sufficient catch to cover operational costs such as fuel, labour wages, maintenance of fishing vessels, and loan repayments.

The economic vulnerability of these communities is further intensified by the high costs associated with mechanised fishing. Modern trawlers require significant investments in engines, navigation equipment, fishing nets, and fuel. Most fishermen finance these expenses through loans from banks, cooperative societies, or private lenders. When fishermen are arrested or when their boats are seized by Sri Lankan authorities, the financial consequences can be devastating. Families lose their primary source of income, yet they remain obligated to repay loans and support household expenses. In several coastal villages, prolonged financial distress has resulted in increasing debt burdens, forced sale of assets, and, in extreme cases, even instances of suicide among fishermen struggling with economic hardship.

Another major issue is the lack of viable alternative employment opportunities in fishing villages. Coastal communities are heavily dependent on the fishing industry not only for direct employment but also for related occupations such as fish processing, ice production, transportation, boat repair, and fish marketing. When fishing activities are disrupted due to maritime conflicts, the entire local economy suffers. Women who are engaged in fish vending and processing also experience loss of income, highlighting the broader socio-economic impact of the dispute on entire families rather than just individual fishermen.

Furthermore, seasonal fishing bans and conservation regulations imposed by the government to protect marine ecosystems sometimes compound the financial difficulties of fishermen. While such policies are environmentally necessary, they reduce the

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number of fishing days available to fishermen each year. When combined with the restrictions imposed by international maritime boundaries, fishermen often find themselves operating under extremely limited economic opportunities.

These realities illustrate that the Palk Bay fishing conflict is not merely a legal or diplomatic issue but also a complex socio-economic crisis affecting thousands of coastal families. Addressing these challenges requires comprehensive policy interventions, including the promotion of deep-sea fishing initiatives, modernisation of fishing technology, financial support schemes, skill development programs, and sustainable fisheries management practices. Only through a balanced approach that integrates economic welfare, environmental protection, and international cooperation

Can the long-term livelihood security of fishermen in the Palk Bay region be effectively safeguarded.

#### 5.4 Human Rights Concerns.

The detention of fishermen and the destruction or seizure of their property have raised significant human rights concerns. Fishing communities often argue that they are victims of circumstances created by geopolitical decisions over which they have little control. In some cases, reports have emerged regarding harsh treatment, prolonged detention, and inadequate legal assistance for arrested fishermen. Such incidents raise important questions regarding the protection of human dignity and the application of humanitarian principles in maritime law enforcement. The issue has also attracted the attention of human rights organisations that advocate for fair treatment, timely repatriation, and the establishment of mechanisms to prevent unnecessary hardship for fishermen who inadvertently cross international maritime boundaries.

#### 5.5 Environmental Impact of Mechanised Trawling.

Another critical aspect of the fishing conflict relates to the environmental consequences of mechanised trawling practices. Large mechanised trawlers used by some fishermen from Tamil Nadu employ bottom trawling methods that scrape the seabed and damage delicate marine ecosystems. These practices have been strongly criticised by Sri Lankan fishermen and environmental experts who argue that trawling destroys coral reefs, depletes fish populations, and threatens marine biodiversity in the Gulf of Mannar. The environmental dimension of the dispute has therefore become an important factor in

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discussions about sustainable fisheries management. Addressing these ecological concerns is essential for preserving marine resources and ensuring the long-term viability of fishing communities on both sides of the maritime boundary.

#### 5.6 Role of State and Central Government.

The resolution of the fishing conflict in the Palk Bay requires coordinated intervention from both the Union Government of India and the State Government of Tamil Nadu, as the issue involves a complex intersection of international diplomacy, maritime law, economic welfare, and regional political sensitivities. The central government holds primary responsibility for matters related to foreign affairs, maritime boundary negotiations, and the protection of Indian citizens abroad. Through diplomatic

engagement with Sri Lanka, the Government of India frequently intervenes to secure the release and repatriation of detained fishermen and to negotiate the return of seized fishing vessels. These diplomatic efforts are often carried out through bilateral talks, joint working group meetings on fisheries, and ministerial-level negotiations between the two nations.

However, despite periodic diplomatic interventions, the persistence of arrests and boat seizures indicates that the conflict remains inadequately addressed through existing mechanisms. The absence of a permanent institutional framework for conflict resolution has led to a repetitive cycle in which fishermen are arrested, political

pressure mounts, and governments negotiate their release without resolving the underlying structural issues. Scholars and policy experts have therefore emphasised the importance of establishing a long-term bilateral fisheries management agreement that recognises the traditional fishing practices of coastal communities while ensuring compliance with international maritime boundaries.

At the domestic level, the Government of Tamil Nadu plays a crucial role in safeguarding the welfare of fishing communities. The state government has introduced various relief measures such as financial compensation for families of arrested fishermen, subsidies for fishing equipment, diesel subsidies for mechanised boats, and welfare schemes for fishermen's families. Additionally, the state government often raises the issue in legislative assemblies and presses the central government to adopt a stronger diplomatic stance on the protection of fishermen's rights. The issue also carries significant political importance within Tamil Nadu, where fishing communities constitute an influential socio-economic group whose concerns frequently shape regional political discourse.

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Another important policy initiative undertaken by the central government has been the promotion of deep-sea fishing programs aimed at reducing dependence on the shallow fishing grounds of the Palk Bay. These programs encourage fishermen to transition from near-shore trawling to deep-sea fishing using modern vessels capable of operating in the Bay of Bengal and other distant maritime zones. The objective of such initiatives is to minimise cross-border fishing incidents while simultaneously improving the economic prospects of fishermen. However, the implementation of deep-sea fishing schemes has faced several challenges, including high operational costs, lack of adequate training, and reluctance among traditional fishermen to shift away from familiar fishing grounds.

Furthermore, policy experts argue that effective governance of the fishing conflict must also involve sustainable fisheries management and environmental conservation measures. Mechanised bottom trawling, which is widely practised in parts of Tamil Nadu, has been criticised for damaging marine ecosystems and intensifying tensions with Sri Lankan fishermen. Consequently, governments are increasingly being urged to regulate destructive fishing practices, promote eco-friendly fishing technologies, and encourage cooperative fishing arrangements between fishermen from both countries.

In addition to governmental efforts, greater participation of fishermen's associations, civil society organisations, and marine policy experts is essential for developing inclusive and sustainable solutions. Dialogue platforms that allow fishermen from both India and Sri Lanka to engage in direct discussions have been suggested as a means of reducing hostility and building mutual understanding. Ultimately, a balanced policy approach combining diplomacy, economic assistance, environmental protection, and community participation is necessary to address the longstanding fishing dispute in the Palk Bay and to ensure the long-term security and dignity of coastal fishing communities.

#### 5.7 Media and Political Perspectives.

The fishing dispute in the Palk Bay has attracted extensive attention from national and regional media, significantly shaping public perception, political discourse, and diplomatic engagement between India and Sri Lanka. Media outlets frequently highlight the humanitarian dimension of the conflict, portraying fishermen— particularly those from Tamil Nadu—as vulnerable individuals caught in the complexities of international maritime boundaries and geopolitical

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tensions. Reports often focus on the emotional and socio-economic consequences faced by fishermen's

families, including the distress caused by sudden arrests, prolonged detentions, and the loss of fishing vessels. Through such narratives, the media plays a vital role in bringing the hardships of coastal communities into the national spotlight and prompting governmental authorities to respond more actively to the issue.

At the same time, the media's framing of the dispute can significantly influence political reactions. In Tamil Nadu, the fishing issue has evolved into an emotionally charged political topic because a large number of coastal voters depend directly or indirectly on the fishing industry. Political leaders frequently raise the issue in legislative debates, election campaigns, and public forums, demanding stronger diplomatic intervention from the central government to protect the rights and safety of Indian fishermen. As a result, the issue often becomes intertwined with regional identity politics and public sentiment, where the welfare of fishermen is framed as a matter of regional pride and social justice.

Moreover, media coverage occasionally amplifies nationalist sentiments on both sides of the maritime boundary. Dramatic reporting of arrests, confrontations at sea, or

The alleged mistreatment of fishermen can intensify public anger and pressure governments to adopt more rigid positions. While such coverage may increase awareness and mobilise public support for fishermen's rights, it can also complicate diplomatic negotiations by creating a politically sensitive environment in which compromise becomes difficult. This phenomenon illustrates the powerful role that media narratives play in shaping not only public opinion but also the policy responses of governments.

In addition, civil society organisations, policy experts, and maritime scholars often use media platforms to advocate alternative approaches for resolving the dispute. These include proposals for joint fishing zones, cooperative fisheries management agreements, and structured dialogue between fishermen's associations from both countries. Media discussions of such ideas can play a constructive role in encouraging public understanding of the legal, economic, and environmental complexities surrounding the dispute. Therefore, while the media serves as a crucial channel for highlighting the struggles of fishermen and holding governments accountable, it also bears the responsibility of maintaining balanced and accurate reporting. Sensationalised coverage that exaggerates tensions may escalate political conflicts, whereas well-researched and responsible journalism

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can foster constructive dialogue and promote peaceful cooperation between India and Sri Lanka. In this context, the role of the media extends beyond simple reporting; it becomes an important actor in shaping the narrative, influencing policy debates, and ultimately contributing to the search for sustainable and equitable solutions to the longstanding fishing conflict in the Palk Bay.

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## **CHAPTER – 6**

### 6.1 Bilateral Negotiations between India and Sri Lanka.

Bilateral negotiations have remained one of the primary mechanisms for addressing the fishing disputes in the Palk Bay between India and Sri Lanka. Since the maritime boundary agreements of the 1970s, both countries have periodically engaged in diplomatic discussions to manage tensions arising from cross-border fishing. These negotiations usually occur at ministerial or diplomatic levels and aim to secure the release of detained fishermen, reduce incidents of arrest at sea, and create frameworks for sustainable fishing practices. However, the complexity of the dispute arises from competing interests: India seeks to safeguard the livelihood rights of Tamil Nadu fishermen, while Sri Lanka emphasises the protection of its sovereign maritime boundaries and the interests of its northern fishing communities. As a result, bilateral negotiations often involve balancing humanitarian concerns with principles of international maritime law. Scholars emphasise that sustained and institutionalised dialogue—rather than ad hoc negotiations following crises—is essential to build trust and develop long-term solutions. Regular diplomatic engagement can also help create mechanisms for conflict prevention, promote cooperation in fisheries management, and strengthen peaceful maritime relations between the two neighbouring countries.

### 6.2 Joint Working Groups on Fisheries.

In order to manage the recurring fishing disputes in the Palk Bay in a more structured and cooperative manner, India and Sri Lanka established Joint Working Groups (JWGs) on Fisheries. These institutional mechanisms were created to serve as formal platforms for dialogue, consultation, and policy coordination between the two countries regarding fisheries-related concerns. The Joint Working Groups typically consist of senior government officials, representatives from fisheries ministries, maritime enforcement authorities, diplomats, marine scientists, and fisheries policy experts. By bringing together experts from different sectors, the JWGs aim to address the fishing conflict from legal, economic, environmental, and humanitarian perspectives.

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The primary function of these Joint Working Groups is to examine and discuss operational challenges associated with cross-border fishing activities. They review incidents involving the arrest and detention of fishermen, confiscation of fishing vessels, and violations of maritime boundaries. Through regular consultations, the groups attempt to identify the root causes of such incidents and propose measures that can prevent their recurrence. In addition, the JWG's analyse patterns of fishing activities in the Palk Bay, particularly focusing on issues such as illegal, unreported, and unregulated fishing, overexploitation of marine resources, and environmentally harmful fishing practices such as bottom trawling.

Another important responsibility of the Joint Working Groups is to facilitate constructive communication between fishermen's associations and government authorities. Representatives from fishing communities are sometimes invited to participate in consultations so that policymakers can understand the practical challenges faced by fishermen at sea. This participatory approach helps ensure that policy decisions are not made solely at the governmental level but also reflect the realities experienced by coastal communities whose livelihoods depend on fishing. Such engagement can foster trust between authorities and fishermen while encouraging compliance with maritime regulations.

The Joint Working Groups also play a key role in promoting cooperative strategies for fisheries management. For instance, they explore possibilities for regulating fishing practices, introducing sustainable fishing technologies, and implementing conservation measures to protect fragile marine ecosystems. Particular attention is often given to the ecological sensitivity of the Gulf of Mannar, which contains rich marine biodiversity, including coral reefs, seagrass beds, and numerous fish species that are vital for both countries' fishing industries. Through joint research initiatives and data sharing, the JWG's aim to develop scientific approaches to fisheries management that ensure longterm sustainability of marine resources.

Despite their strategic importance, the effectiveness of the Joint Working Groups has sometimes been limited by practical challenges. Meetings have occasionally been irregular, and several policy recommendations have faced delays in implementation due to bureaucratic processes and political sensitivities. Furthermore, fishermen on both sides of the maritime boundary often express frustration that the outcomes of these discussions do not always translate into immediate improvements in their daily lives. The absence of legally

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binding enforcement mechanisms within the JWG framework also reduces its capacity to implement long-term policy reforms.

In light of these limitations, many policy analysts and maritime law scholars have recommended strengthening the institutional framework of the Joint Working Groups.

This could involve holding meetings at regular intervals, establishing permanent technical committees, and creating clear timelines for implementing agreed policy measures. Greater transparency in decision-making and improved communication with fishing communities could also enhance the credibility and effectiveness of the process. Additionally, incorporating scientific research, environmental monitoring, and conflict-resolution mechanisms within the JWG framework could contribute to more sustainable fisheries governance.

Ultimately, if properly strengthened and supported by political commitment from both India and Sri Lanka, the Joint Working Groups on Fisheries have the potential to evolve into a robust institutional mechanism for addressing the long-standing fishing conflict in the Palk Bay. By promoting dialogue, cooperation, and evidence-based policymaking, these groups can contribute significantly to protecting fishermen's livelihoods, preserving marine ecosystems, and strengthening peaceful maritime relations between the two neighbouring nations.

### 6.3 Role of Diplomatic Channels in Fishermen Release.

Diplomatic engagement has played a crucial humanitarian role in facilitating the release and repatriation of fishermen detained for alleged violations of maritime boundaries in the Palk Bay. Whenever fishermen from Tamil Nadu are apprehended by the naval authorities of Sri Lanka, the Government of India typically initiates diplomatic communication through its High Commission and other official channels to seek their release. These negotiations often involve discussions between foreign ministries, coast guards, and fisheries departments of both countries. Through such diplomatic interventions, detained fishermen are frequently released on humanitarian grounds and repatriated to their home country. Similar procedures are followed when Sri Lankan fishermen are detained by Indian authorities, demonstrating a pattern of reciprocal humanitarian gestures between the two neighbouring states.

However, the process of securing the release of fishermen from Tamil Nadu is often more complex and time-consuming compared to the release of Sri Lankan fishermen detained in

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India. One major reason for this disparity lies in the legal procedures followed by Sri Lanka, where fishermen accused of illegal entry into territorial waters are frequently subjected to formal judicial proceedings before local courts. These proceedings may involve charges related to illegal fishing, violation of maritime boundaries, or damage to marine resources caused by mechanised trawling. As a result, fishermen may remain in detention for extended periods while their cases

proceed through the legal system. In contrast, Sri Lankan fishermen detained by Indian authorities are often released relatively quickly through administrative or diplomatic decisions, especially when the violations are considered minor.

Another significant factor contributing to the complexity of the issue is the seizure and retention of fishing vessels. When fishermen from Tamil Nadu are arrested, their boats are frequently confiscated by Sri Lankan authorities as part of enforcement measures against illegal fishing. Even after the fishermen themselves are released through diplomatic negotiations, the return of these boats may take a much longer time or may not occur at all. Since mechanised trawlers represent substantial financial investments for fishermen, the loss of vessels creates severe economic hardship for coastal

communities. In contrast, Sri Lankan fishermen arrested in Indian waters often have their smaller fishing boats returned more quickly, which further contributes to the perception that the treatment of fishermen differs on the two sides of the maritime boundary.

The issue is further complicated by environmental and political considerations. Sri Lankan authorities have repeatedly raised concerns regarding the use of bottom-trawling techniques by some fishermen from Tamil Nadu, arguing that these practices cause significant damage to marine ecosystems and threaten the livelihoods of Sri Lankan fishing communities in the northern coastal regions. Consequently,

enforcement measures against Indian trawlers are sometimes viewed by Sri Lankan authorities as necessary to protect marine biodiversity and local fishermen's rights. This environmental dimension adds an additional layer of complexity to diplomatic negotiations regarding the release of detained fishermen.

Political sensitivities also influence the diplomatic process. In Tamil Nadu, the arrest of fishermen often generates strong public reactions and becomes a major political issue within the state. Political leaders frequently urge the central government to adopt a stronger diplomatic stance toward Sri Lanka to ensure the protection of Indian

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fishermen. Similarly, in northern Sri Lanka, local fishermen's associations have expressed concerns that allowing Indian trawlers to operate in their waters threatens their economic survival. These competing domestic pressures sometimes make diplomatic negotiations more challenging and sensitive.

Another crucial problem is the absence of a permanent institutional framework for addressing routine fishing violations. At present, most cases of arrest and detention are resolved through ad hoc diplomatic negotiations conducted after incidents occur.

While these interventions have succeeded in securing the release of many fishermen, they do not address the underlying structural causes of the dispute. Maritime law experts have therefore suggested the establishment of a formal bilateral protocol that would include standardised procedures for the arrest, legal processing, and prompt release of fishermen who cross maritime boundaries unintentionally.

Such a protocol could incorporate humanitarian safeguards, including immediate consular access, legal assistance, and time-bound repatriation procedures.

Additionally, both countries could explore the possibility of establishing joint maritime monitoring mechanisms, designated fishing zones, and conflict-resolution platforms involving fishermen's representatives. By institutionalising these processes, diplomatic engagement could move beyond crisis management and evolve into a structured framework for preventing disputes in the Palk Bay.

In conclusion, while diplomatic channels remain an essential tool for securing the release of detained fishermen, the existing system is largely reactive and often complicated by legal, environmental, and political factors. The comparatively longer and more complicated process involved in securing the release of fishermen from Tamil Nadu highlights the need for stronger bilateral cooperation, clearer legal procedures, and more effective fisheries management policies between India and Sri Lanka. Establishing a comprehensive and institutionalised mechanism for handling such incidents would significantly reduce humanitarian hardships and contribute to more stable and cooperative maritime relations in the region.

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#### 6.4 Fisheries Management Agreements.

The formulation of comprehensive fisheries management agreement is widely regarded as a crucial step toward ensuring ecological sustainability and reducing recurring maritime disputes in the Palk Bay. As a biologically productive yet environmentally fragile marine zone located between India and Sri Lanka, the region has long supported thousands of traditional fishing communities whose livelihoods depend directly on its marine resources. However, the intensification of fishing

activities, technological advancements in mechanised trawling, and the establishment of strict maritime boundaries have collectively placed immense pressure on the delicate ecological balance of the area. Consequently, both countries have increasingly recognised the need to develop structured fisheries governance frameworks that regulate fishing activities while safeguarding the economic welfare of coastal communities.

Fisheries management agreements can serve as formal bilateral arrangements that establish mutually accepted rules governing fishing practices in shared maritime ecosystems. These agreements may incorporate a wide range of regulatory measures aimed at promoting responsible and sustainable exploitation of marine resources. One of the most significant components of such agreements is the imposition of seasonal fishing restrictions, which temporarily suspend fishing activities during breeding periods of important fish species. By allowing fish populations to regenerate during these biologically

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sensitive periods, seasonal bans help maintain the long-term sustainability of marine stocks and prevent the collapse of fisheries resources.

Another essential provision in fisheries management agreements involves the regulation or prohibition of environmentally destructive fishing techniques. In particular, the use of mechanised bottom trawling has been widely criticised for causing severe ecological damage to the seabed, coral reefs, and marine habitats. Trawling not only captures targeted fish species but also results in substantial bycatch, including juvenile fish and non-commercial marine organisms. Such practices disrupt the natural food chain and threaten biodiversity in the region. Sri Lankan authorities and local fishing communities have repeatedly raised concerns regarding the

ecological consequences of trawling conducted by certain mechanised vessels originating from Tamil Nadu. Fisheries agreements could therefore include provisions to gradually phase out destructive fishing methods and encourage the adoption of environmentally sustainable alternatives.

In addition to regulating fishing methods, fisheries management agreements can establish designated fishing zones that clearly define permissible areas for fishing activities by fishermen from both countries. By demarcating regulated fishing zones within the Palk Bay, governments can reduce accidental maritime boundary crossings and minimise confrontations between fishermen and maritime enforcement authorities.

These designated zones may be supported by advanced monitoring systems such as satellite-based vessel tracking technologies, which help authorities monitor fishing activities and ensure compliance with established regulations.

#### 6.5 Sustainable Fishing Policies.

Sustainable fishing policies are indispensable for addressing the long-term ecological, economic, and legal challenges associated with the fishing dispute in the Palk Bay.

Over the past few decades, the region has experienced significant pressure on marine resources due to excessive fishing activities, technological expansion of mechanised trawlers, and the absence of coordinated regulatory frameworks between India and Sri Lanka. Sustainable fishing policies, therefore, seek to strike a balance between environmental conservation and the livelihood security of traditional fishing

communities. Such policies emphasise responsible harvesting of marine resources, ecological preservation of marine habitats, and the adoption of advanced fisheries management practices

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that prevent resource depletion.

One of the most pressing concerns in the region is the widespread use of bottom trawling, a fishing method that involves dragging large nets across the seabed to capture fish and other marine organisms. Although this method increases catch volume in the short term, it causes severe damage to fragile marine ecosystems such as coral reefs, seagrass beds, and spawning grounds for fish species. Environmental

researchers have consistently highlighted the destructive consequences of trawling within the Gulf of Mannar, which is internationally recognised for its rich biodiversity. Sustainable fishing policies therefore encourage the gradual phasing out of destructive fishing technologies and the promotion of environmentally friendly alternatives such as gill nets, long-line fishing, and trap-based fishing methods that reduce ecological damage.

Another crucial component of sustainable fisheries governance is the implementation of scientific stock assessment programs. Fisheries authorities and marine scientists must continuously monitor fish populations, breeding cycles, and migration patterns to establish realistic catch limits. Such assessments enable policymakers to introduce scientifically informed regulations such as Total Allowable Catch (TAC) limits, species protection measures, and marine conservation zones. Without accurate scientific data, fisheries management policies risk being ineffective or environmentally unsustainable.

Sustainable fishing policies must also promote the creation of Marine Protected Areas (MPAs) where fishing activities are restricted or completely prohibited for certain periods. These protected zones allow marine ecosystems to regenerate naturally and contribute to the restoration of depleted fish populations. The establishment of conservation zones in ecologically sensitive areas of the Gulf of Mannar has already demonstrated the potential benefits of marine conservation initiatives. When properly enforced, such zones help restore biodiversity, enhance fish stocks, and ensure longterm sustainability of the fishing industry.

Equally significant is the integration of technological innovations in fisheries monitoring and regulation. Satellite-based vessel tracking systems, automatic identification systems (AIS), and digital monitoring platforms can help authorities track fishing vessels and prevent illegal or unauthorised fishing activities. These

Technologies can also help fishermen avoid accidental crossings into foreign maritime boundaries, thereby reducing the likelihood of arrests and diplomatic tensions between India

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and Sri Lanka.

#### 6.6 Alternative Livelihood Programs.

An additional dimension that deserves serious attention in the discourse on fisheries governance in the Palk Bay is the concept of cooperative maritime stewardship between neighbouring states. Modern international maritime jurisprudence increasingly emphasises that shared marine ecosystems require collaborative management rather than unilateral regulation. Since the fishing communities of Tamil Nadu and the Northern Province of Sri Lanka depend upon the same marine resources, sustainable governance must incorporate structured cooperation in scientific research, ecological monitoring, and regulatory enforcement. Establishing joint marine research programs, coordinated coast guard patrols, and regular bilateral consultations can help both states develop a comprehensive understanding of the ecological dynamics of the region. Moreover, the adoption of integrated marine resource management policies can prevent overexploitation of fish stocks while simultaneously promoting maritime stability. From a legal perspective, such cooperative initiatives are consistent with the principles articulated under the United Nations Convention on the Law of the Sea, which encourages states sharing maritime boundaries to collaborate in the conservation and sustainable utilisation of living marine resources. By strengthening institutional coordination and mutual trust, cooperative governance mechanisms could transform the region from a zone of recurring conflict into a framework of constructive maritime partnership.

Another critical aspect involves the human security and socio-economic vulnerability of fishing communities operating in contested maritime zones. Fishermen who venture into the waters of the Palk Bay often face uncertainty, legal risk, and economic instability due to strict maritime boundary enforcement and declining marine resources. Arrests, detention, and confiscation of fishing vessels not only affect individual fishermen but also impose severe financial burdens on their families and local economies. These incidents raise significant questions regarding humanitarian considerations, due process rights, and the proportionality of maritime enforcement measures under international law. Scholars have argued that fisheries conflicts in the region should not be viewed merely as violations of maritime boundaries but as complex socio-legal issues involving livelihood rights, coastal poverty, and historical fishing traditions. Addressing these concerns requires the adoption of humane

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maritime policies, expedited diplomatic procedures for the release of detained fishermen, and compensation mechanisms for seized vessels and equipment.

Strengthening welfare schemes, expanding deep-sea fishing initiatives, and creating alternative livelihood opportunities can gradually reduce dependence on disputed fishing grounds. Ultimately, a balanced approach that integrates legal accountability, humanitarian sensitivity, and socio-economic development will be essential for ensuring long-term stability and justice for coastal communities in both India and Sri Lanka.

#### 6.7 Regional Cooperation for Maritime Resource Management.

Regional cooperation plays a crucial role in ensuring the sustainable governance of marine resources in the Palk Bay, which is shared by India and Sri Lanka. Since marine ecosystems naturally transcend political boundaries, unilateral regulatory measures are often insufficient to manage fish stocks and protect marine biodiversity effectively. Therefore, both countries must adopt cooperative frameworks that promote joint conservation efforts, coordinated fisheries policies, and shared scientific research initiatives. Regional collaboration can facilitate the exchange of marine data, including fish migration patterns, breeding cycles, and environmental changes affecting marine habitats. Such scientific cooperation enables policymakers to design evidence-based

fisheries regulations that ensure sustainable utilisation of marine resources. Moreover, collaborative maritime monitoring mechanisms and joint patrol operations between the coast guards of both countries could significantly reduce incidents of illegal or accidental cross-border fishing while maintaining maritime security in the region.

Another important dimension of regional cooperation involves the establishment of institutional platforms that encourage dialogue between policymakers, environmental experts, and fishing communities from both sides of the maritime boundary.

Cooperative forums and fisheries councils can provide opportunities for fishermen's associations from Tamil Nadu and northern Sri Lanka to engage in constructive discussions regarding sustainable fishing practices and conflict prevention. Such interactions can help build mutual trust and reduce tensions that arise from competing claims over fishing grounds in the Palk Bay. Additionally, regional cooperation can support the development of joint marine conservation programs aimed at protecting ecologically sensitive areas such as the Gulf of Mannar, which is renowned for its rich biodiversity and fragile marine ecosystems. By aligning national policies with

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international legal frameworks such as the United Nations Convention on the Law of the Sea, both countries can strengthen regional governance of marine resources and ensure that conservation, economic development, and humanitarian considerations are balanced in the long-term management of the Palk Bay maritime region.



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## **CHAPTER - 7**

### 7.1 Major Findings of the Study.

The study reveals that the fishing conflict in the Palk Bay is not merely a dispute over maritime boundaries but a complex socio-legal problem involving livelihood rights, environmental sustainability, and geopolitical relations. The research indicates that

Fishermen from Tamil Nadu have historically depended on these waters for traditional fishing activities long before the demarcation of international maritime boundaries.

However, the maritime agreements between India and Sri Lanka have significantly altered access to traditional fishing grounds, resulting in frequent arrests, vessel seizures, and diplomatic tensions. These developments demonstrate that legal frameworks governing maritime boundaries have not sufficiently accounted for the socio-economic realities of coastal communities.

Another key finding of this research is that the persistence of fishing conflicts reflects the absence of an effective institutional mechanism for managing shared marine resources. The current system largely relies on diplomatic interventions after disputes arise rather than preventive policies that address the underlying causes of the conflict. Furthermore, environmental degradation caused by unsustainable fishing practices has intensified competition for limited marine resources in the region. The findings, therefore, highlight the urgent need for integrated fisheries governance, cooperative resource management, and policy reforms that simultaneously address legal, ecological and humanitarian concerns.

### 7.2 Legal Gaps in Current Framework.

The present legal framework governing maritime relations between India and Sri Lanka reveals several structural deficiencies that contribute to the persistence of fishing disputes in the Palk Bay. While the maritime boundary agreements signed in the 1970s successfully demarcated territorial waters, they largely overlooked the socio-economic realities of traditional fishing communities that had historically navigated these waters without political restrictions. The agreements primarily focused on sovereignty and boundary delimitation rather than the regulation of small-scale cross-border fishing practices. Consequently, fishermen who unknowingly cross maritime limits are subjected to criminal prosecution, arrest, and detention under

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domestic maritime laws. This reveals a fundamental gap between legal provisions and ground realities, where traditional livelihood practices have not been adequately accommodated within the formal legal framework. Another significant limitation lies in the absence of explicit humanitarian safeguards within the bilateral maritime agreements. Despite the recurring arrests of fishermen and seizure of fishing vessels, the legal framework does not establish a clear protocol for the treatment, legal assistance, or timely repatriation of detained fishermen.

Instead, the release of fishermen often depends on diplomatic negotiations rather than a structured legal mechanism. This dependence on ad hoc diplomatic intervention creates uncertainty and delays, which further aggravate the humanitarian consequences faced by fishing communities. Families of detained fishermen frequently endure prolonged economic hardship due to the confiscation of boats and fishing equipment, which represent their primary source of livelihood.

Furthermore, the current legal regime inadequately addresses the environmental and technological changes that have transformed fishing practices in the region.

Mechanised trawling and modern fishing equipment have significantly intensified competition for marine resources in the Palk Bay, yet the existing legal framework does not provide sufficient regulatory mechanisms to manage these developments effectively. The absence of coordinated fisheries management policies between India and Sri Lanka has therefore contributed to resource depletion, environmental degradation, and escalating tensions between fishing communities. Addressing these legal gaps requires a comprehensive reform of bilateral agreements that integrates humanitarian protection, sustainable fisheries governance, and cooperative dispute-resolution mechanisms within the broader maritime legal structure.

### 7.3 Need for Reform in Bilateral Agreements.

The maritime agreements concluded between India and Sri Lanka during the 1970s were primarily designed to demarcate maritime boundaries and clarify questions of sovereignty in the Palk Bay region. While these agreements played an important role in establishing legal clarity regarding territorial waters, they were negotiated in a period when fishing activities were largely traditional and small-scale. Over the decades, however, the fishing industry has undergone substantial transformation with the introduction of mechanised trawlers, modern navigation technologies, and

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increasing economic dependence on marine resources. As a result, the original agreements now appear insufficient to regulate the complex realities of contemporary fisheries management. The absence of provisions addressing technological advancement, environmental sustainability, and fishermen's livelihood rights has

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created an urgent need to revisit and modernise these bilateral arrangements.

Another important reason for reforming the bilateral agreements lies in the humanitarian challenges faced by fishermen operating in the Palk Bay. Fishermen from coastal districts of Tamil Nadu have traditionally accessed fishing grounds that now fall within the maritime jurisdiction of Sri Lanka. Due to declining fish stocks on the Indian side and the proximity of maritime boundaries, fishermen often cross into Sri Lankan waters either unintentionally or out of economic necessity. The current

legal framework treats such incidents as violations of national sovereignty, resulting in arrests, detention, and confiscation of fishing vessels. These measures, although

legally justified under maritime law, create severe economic hardship for fishing communities.

Therefore, a reformed bilateral agreement must incorporate humanitarian provisions such as rapid repatriation procedures, compensation

mechanisms for confiscated vessels, and clear legal guidelines for handling fishermen who unintentionally cross maritime boundaries.

Furthermore, the reform of bilateral agreements is essential to promote sustainable

fisheries governance and environmental conservation in the Palk Bay ecosystem. The expansion of mechanised bottom trawling has caused significant ecological damage to marine habitats, leading to depletion of fish stocks and destruction of sensitive seabed ecosystems.

Without coordinated regulatory measures, unilateral actions taken by

either India or Sri Lanka remain ineffective in addressing this shared environmental challenge.

A revised agreement should therefore include joint fisheries management frameworks, scientific cooperation in marine research, and coordinated policies to regulate destructive fishing practices. Establishing a joint fisheries authority or a

permanent bilateral fisheries council could also facilitate continuous dialogue between policymakers, scientists, and fishermen representatives.

In addition to environmental and humanitarian considerations, reforming the

agreements would also contribute to strengthening diplomatic relations between India and Sri Lanka. The recurring arrests of fishermen often create political tensions and

attract media attention in both countries, sometimes escalating into diplomatic disputes. A modernized legal framework that includes dispute-resolution mechanisms, cooperative

surveillance systems, and regular bilateral consultations could

significantly reduce such tensions. By adopting a forward-looking and cooperative approach to

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maritime governance, both nations can transform the Palk Bay from a

zone of recurring conflict into a model of regional cooperation, sustainable resource management, and humanitarian maritime policy.

#### 7.4 Protection of Fishermen's Rights.

The protection of fishermen's rights has emerged as one of the most critical humanitarian concerns in the maritime dispute in the Palk Bay. Fishing communities along the coast of Tamil Nadu and northern Sri Lanka have depended on these waters for centuries, long before modern maritime boundaries were formally established. For these communities, fishing is not merely an occupation but a traditional livelihood

deeply embedded in their cultural and economic life. However, strict enforcement of maritime boundaries has often led to the arrest, detention, and prosecution of

fishermen who inadvertently enter foreign territorial waters. These incidents highlight a serious tension between enforcing state sovereignty and protecting traditional livelihood rights. Many fishermen operate small vessels without sophisticated navigation equipment, which increases the likelihood of accidental border crossings in a narrow maritime zone such as the Palk Bay.

Another major issue affecting fishermen's rights is the prolonged detention and legal uncertainty faced by arrested fishermen. In several cases, fishermen detained by the authorities of Sri Lanka remain in custody for extended periods before diplomatic negotiations secure their release through the intervention of India. During this period, the families of detained fishermen often suffer severe economic distress because

fishing activities are disrupted and the confiscated boats remain unused. Fishing vessels and equipment are usually expensive assets purchased through loans, and their seizure can push entire fishing families into financial instability. Moreover, many

fishermen lack adequate legal representation during detention, which further complicates their situation. These humanitarian challenges underline the urgent need for legal safeguards that ensure prompt repatriation, access to legal aid, and humane treatment of detained fishermen.

The protection of fishermen's rights also requires recognition within international maritime law frameworks. Instruments such as the United Nations Convention on the Law of the Sea emphasise the importance of peaceful maritime relations and responsible resource utilisation by coastal states. However, while international law recognises sovereign rights over territorial waters and Exclusive Economic Zones, it also encourages states to cooperate in

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managing shared marine resources and to consider the interests of traditional fishing communities. In this context, both India and Sri Lanka must incorporate humanitarian principles into their maritime

enforcement policies. Legal frameworks should distinguish between organised illegal fishing operations and small-scale fishermen who unintentionally cross boundaries due to livelihood pressures.

Furthermore, strengthening fishermen's rights requires institutional reforms and cooperative governance mechanisms. Both governments could establish a bilateral humanitarian protocol that ensures immediate communication between maritime authorities when fishermen are apprehended. Such a mechanism could include time-bound procedures for verification, legal processing, and repatriation to avoid prolonged detention. In addition, compensation mechanisms for damaged or

confiscated fishing vessels should be considered, as these vessels represent the primary economic resource of fishing households. Governments could also provide training programs, navigation technologies, and awareness campaigns to help fishermen better understand maritime boundaries and avoid accidental violations.

Another important aspect involves promoting social security and welfare measures for fishing communities that frequently face maritime risks. Governments in Tamil Nadu have introduced certain welfare schemes for fishermen, including financial assistance and insurance programs, but these measures often remain insufficient when fishermen are detained abroad for extended periods. Expanding such welfare programs, establishing emergency support funds for affected families, and strengthening

fishermen cooperatives can significantly improve the resilience of coastal communities. Additionally, encouraging dialogue between fishermen associations from both countries can foster mutual understanding and reduce hostility at the grassroots level.

Ultimately, the protection of fishermen's rights should be viewed as a shared humanitarian responsibility rather than merely a legal issue of maritime violation. Ensuring humane treatment, legal protection, and livelihood security for fishermen can help reduce tensions in the Palk Bay while promoting peaceful coexistence between coastal communities of India and Sri Lanka. A balanced approach that integrates legal enforcement with humanitarian sensitivity will not only protect vulnerable fishing communities but also contribute to long-term stability and cooperation in the maritime region.

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## 7.5 Sustainable Fishing and Maritime Conservation.

The long-term resolution of fishing conflicts in the Palk Bay is closely linked to the adoption of sustainable fishing practices and marine conservation strategies.

Overfishing and environmentally harmful methods such as bottom trawling have significantly depleted fish stocks and damaged marine ecosystems in the region. Such ecological degradation intensifies competition among fishermen and increases the likelihood of cross-border fishing violations. Therefore, sustainable fisheries management must be recognised as a central component of any policy solution addressing the dispute.

Marine conservation initiatives should include the establishment of protected marine zones, scientific monitoring of fish populations, and stricter regulations on destructive fishing technologies. Protecting ecologically sensitive regions such as the Gulf of Mannar is particularly important due to its rich biodiversity and ecological significance. Sustainable fishing policies that balance environmental protection with economic welfare can help restore marine ecosystems while ensuring that fishing communities continue to benefit from the region's natural resources.

## 7.6 Strengthening Diplomatic Cooperation.

Diplomatic cooperation between India and Sri Lanka remains essential for managing maritime disputes and protecting the interests of fishermen. Over the years, diplomatic negotiations have successfully facilitated the release and repatriation of many detained fishermen. However, reliance on ad hoc diplomatic interventions highlights the need for a more structured and proactive framework for bilateral cooperation. Regular diplomatic dialogues and institutionalised consultation mechanisms can help address emerging challenges before they escalate into major conflicts.

Strengthening diplomatic cooperation could also involve expanding the role of joint fisheries working groups, promoting direct dialogue between fishermen's associations from both countries, and developing coordinated maritime surveillance systems. Such initiatives would encourage transparency, build mutual trust, and reduce misunderstandings between fishing communities and maritime authorities. By prioritising dialogue and cooperation, both countries can gradually transform the Palk Bay from a zone of tension into a platform for constructive regional partnership.

1. <https://www.whiteblacklegal.co.in/details/indian-and-sri-lanka-fisherman-crisis-the-palk-strait-and-the-kachchatheevu-island-dispute-by---ayushi-trivedi>
2. Article - Fishing in the Troubled Waters: Fishermen Issue in India-Sri Lanka Relations
3. <https://www.orfonline.org/expert-speak/india-sri-lanka-ties-fishermen-maritime-security-and-bilateral-talks>

An additional dimension that deserves greater emphasis in strengthening diplomatic cooperation is the institutionalisation of regular and structured dialogue mechanisms between India and Sri Lanka, specifically focused on fisheries governance in the Palk Bay region. At present, many diplomatic interventions occur only after incidents such as arrests of fishermen or seizure of fishing vessels, which reflects a reactive rather than preventive approach. Establishing a permanent bilateral fisheries commission with representation from diplomats, maritime law experts, environmental scientists, and fishermen's associations could significantly improve conflict management. Such an institutional framework would enable continuous policy dialogue, early identification of emerging tensions, and coordinated decision-making on fisheries regulation. Furthermore, integrating scientific cooperation, joint marine research programs, and shared maritime surveillance initiatives could enhance transparency and trust between the two countries. By shifting the focus from crisis management to proactive diplomatic engagement, both nations can create a stable and cooperative maritime environment that protects fishermen's livelihoods while safeguarding regional peace and marine sustainability.

#### 7.7 Policy Recommendations.

Effective policy recommendations are essential to address the persistent fishing conflict in the Palk Bay, which involves complex legal, economic, and humanitarian dimensions. One of the most important policy measures is the revision and modernisation of existing maritime governance frameworks between India and Sri Lanka. Policymakers should consider introducing regulated fishing access arrangements that allow limited and monitored fishing activities in certain zones while respecting national sovereignty. Such arrangements could include seasonal fishing permits, shared fishing corridors, or cooperative fishing zones designed specifically for traditional fishermen. This approach would help reduce accidental border crossings while simultaneously acknowledging the historical dependence of coastal communities on the shared waters of the Palk Bay. A carefully regulated system of access could therefore balance legal sovereignty with humanitarian considerations.

Another crucial policy direction involves promoting sustainable fishing practices and reducing the environmental damage caused by destructive fishing techniques.

Mechanised bottom trawling has significantly affected marine biodiversity and depleted fish

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stocks in the region, intensifying competition among fishermen and aggravating cross-border tensions. Governments should therefore introduce stronger regulatory frameworks that gradually phase out harmful fishing methods while encouraging environmentally responsible alternatives. Investments in deep-sea fishing infrastructure, technological modernisation of fishing vessels, and training programs for fishermen can help shift fishing pressure away from the ecologically fragile waters of the Palk Bay. At the same time, conservation initiatives aimed at protecting sensitive ecosystems such as the Gulf of Mannar would contribute to restoring marine biodiversity and ensuring the long-term sustainability of fish resources.

In addition to legal and environmental reforms, stronger institutional cooperation and welfare-oriented policies are necessary to safeguard the livelihoods of fishing communities. Both India and Sri Lanka should establish permanent bilateral fisheries management mechanisms that facilitate continuous dialogue between governments marine scientists, and fishermen's associations. These institutions could oversee conflict-resolution procedures, coordinate marine conservation strategies, and develop welfare programs for fishermen affected by maritime disputes. Furthermore, governments should expand social protection schemes, including insurance coverage, financial assistance for confiscated vessels, and rehabilitation programs for families of detained fishermen. By integrating legal reforms, sustainable resource management, and humanitarian protections into a comprehensive policy framework, both countries can move toward a stable and cooperative maritime relationship that protects livelihoods while preserving the fragile marine ecosystem of the Palk Bay.

1. <https://www.whiteblacklegal.co.in/details/indian-and-sri-lanka-fisherman-crisis-the-palk-strait-and-the-kachchatheevu-island-dispute-by---ayushi-trivedi->
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## **CONCLUSION:**

### **SUMMARY OF THE RESEARCH:**

The present research comprehensively examined the legal, political, and socio-economic dimensions of the fishing conflict in the Palk Bay, a narrow yet strategically significant maritime region situated between India and Sri Lanka. The study explored the historical evolution of maritime boundaries, the role of traditional fishing communities, and the legal implications of bilateral maritime agreements that reshaped access to fishing grounds. It was observed that the demarcation of maritime boundaries, particularly following the transfer of Katchatheevu, significantly altered long-standing fishing practices that had existed for generations. As a result, fishermen who once navigated these waters freely now face strict enforcement of maritime laws, leading to arrests, detention, and seizure of fishing vessels.

The research also highlighted that the conflict in the Palk Bay is not solely a matter of territorial jurisdiction but a multidimensional issue involving livelihood security, marine environmental sustainability, and diplomatic relations. The increasing use of mechanised trawlers, declining fish stocks, and the absence of coordinated fisheries management have intensified competition over marine resources. Consequently, the problem has evolved into a recurring humanitarian and diplomatic concern requiring comprehensive policy responses that extend beyond conventional maritime boundary enforcement.

Furthermore, the study emphasised that resolving the fishermen's dispute requires a balanced approach that integrates legal regulation with humanitarian considerations. While maritime sovereignty remains a fundamental principle under international law, the welfare of coastal communities must also receive equal attention. The research,

Therefore, demonstrates that long-term stability in the region can only be achieved through cooperative governance, sustainable fishing policies, and inclusive diplomatic engagement between the two neighbouring countries.

## **KEY LEGAL OBSERVATIONS:**

One of the most important legal observations emerging from this research is the existence of significant gaps within the bilateral maritime agreements governing the Palk Bay. Although the agreements between India and Sri Lanka successfully delineated maritime boundaries and clarified sovereign jurisdiction, they did not sufficiently address the livelihood rights of traditional fishermen. The agreements largely prioritised territorial sovereignty and political considerations while overlooking the socio-economic realities of fishing communities that had historically depended on these shared waters. This legal imbalance has contributed significantly to the persistence of maritime disputes and recurring arrests of fishermen.

Another important observation relates to the limited incorporation of humanitarian safeguards within existing maritime enforcement practices. In many instances, fishermen who inadvertently cross international boundaries are treated under strict criminal law provisions even though such crossings often occur unintentionally due to navigational limitations and economic pressures. The absence of a clear legal framework governing the treatment, detention, and repatriation of fishermen has therefore resulted in prolonged diplomatic negotiations for their release. This situation highlights the urgent need for legal reforms that establish structured humanitarian protocols and dispute resolution mechanisms within bilateral maritime agreements.

Additionally, the research highlights the relevance of international legal principles such as those embodied in the United Nations Convention on the Law of the Sea, which encourages cooperation between coastal states in managing shared marine resources. Although international maritime law recognises sovereign rights over territorial waters and Exclusive Economic Zones, it also emphasises responsible resource management and peaceful resolution of disputes. Therefore, integrating international legal standards into bilateral fisheries governance could significantly strengthen the legal framework governing the Palk Bay region.

## **FUTURE PROSPECTS FOR RESOLVING THE CONFLICT:**

The future resolution of the fishermen conflict between India and Sri Lanka largely depends on the willingness of both countries to adopt innovative and cooperative approaches to maritime governance. Strengthening bilateral dialogue mechanisms and institutionalising fisheries cooperation could significantly reduce the frequency of maritime disputes. Establishing joint fisheries management authorities, conducting collaborative marine research, and implementing coordinated monitoring systems may help both countries regulate fishing activities while protecting marine ecosystems in the Palk Bay. Another promising solution involves promoting sustainable fishing practices and reducing dependence on environmentally harmful techniques such as bottom trawling. Encouraging fishermen to shift toward deep-sea fishing and providing technological assistance for modern fishing operations can reduce pressure on near-shore fishing zones that are frequently contested. Such initiatives would not only protect marine biodiversity but also improve the economic resilience of fishing communities in coastal regions such as Tamil Nadu. At the same time, conservation efforts aimed at protecting ecologically sensitive areas like the Gulf of Mannar could ensure the longterm sustainability of fish stocks.

Ultimately, the resolution of the fishermen's conflict requires a comprehensive strategy that combines legal reform, diplomatic cooperation, environmental protection, and humanitarian safeguards. By revisiting existing bilateral agreements, strengthening fishermen's welfare policies, and promoting regional cooperation in marine resource management, both nations can gradually transform the Palk Bay from a zone of recurring tension into a model of peaceful maritime collaboration. Such an approach would not only protect the livelihoods of fishing communities but also contribute to greater stability and sustainable development in the broader Indian Ocean region.

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